

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVGENY RYZHOV,

Plaintiff,

-against-

\$5,379,876.94 in United States Currency
Formerly on Deposit in Sunflower Bank, NA,

Defendant.

23-CV-1072 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed *in forma pauperis* (IFP) application. *See* 28 U.S.C. §§ 1914, 1915.¹

Plaintiff submitted a personal check for \$402.00 with the complaint, but the Court's Finance Department does not accept personal checks. Within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit the attached IFP application. The filing fees must be paid by certified check or money order, made payable to: Clerk of Court – SDNY, and can be mailed to: Finance Department – Room 260, 500 Pearl Street, New York, NY 10007. Any certified check or money order must include Plaintiff's case number, 23-CV-1072 (LTS).

¹ Plaintiff may have intended to file a motion in *United States of America v. \$5,379,876.94 in United States Currency Formerly on Deposit in Sunflower Bank, N.A. Account 1101996560* No. 1:22-CV-10148 (JMF) (S.D.N.Y. Feb. 3, 2023), in which the Court entered judgment and dismissed the matter “without prejudice to a motion to reopen the action within sixty days of the date of this Order if any party believes there is a basis to do so.” There is no fee to file a motion. If Plaintiff wishes to bring a motion in 1:22-CV-10148 (JMF) (S.D.N.Y.), in addition to or instead of this new civil action, he must file such an application and label it with that docket number.

Payment can also be made in person by credit card or cash. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

The Finance Department is directed to return the \$402.00 personal check to Plaintiff at his address of record.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: February 13, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge